07hr\_JCR-AR\_Misc\_pt36b



Details: Complaint.

(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

### <u>Ioint</u>

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

#### **COMMITTEE NOTICES ...**

- Committee Reports ... CR
- Executive Sessions ... ES
- Public Hearings ... PH

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... Appt (w/Record of Comm. Proceedings)
- ► Clearinghouse Rules ... CRule (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)

(ab = Assembly Bill)

(ar = Assembly Resolution)

(ajr = Assembly Joint Resolution)

(sb = Senate Bill)

(sr = Senate Resolution)

(sjr = Senate Joint Resolution)

Miscellaneous ... Misc

## CIRCUIT COURT 5<sup>TH</sup> JUDICIAL DISTRICT

**DANE COUNTY** 

DANE COUNTY, WI

JT ROOFING, INC., GERALD T. THULL as President of JT ROOFING, INC., and as an individual,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT, an Executive Department of the State of Wisconsin

and

ROBERTA GASSMAN, Secretary of the Wisconsin Department of Workforce Development,

and

ROBERT (BOB) ANDERSON, Director of the Labor Standards Bureau, Wisconsin Department of Workforce Development,

and

JULIE ECKENWALDER, Chief of Prevailing Wage Section, Wisconsin Department of Workforce Development,

and

TERRENCE MOE, Investigator, Prevailing Wage Section, Wisconsin Department of Workforce Development,

**Defendants** 

THIS IS AN AUTHENTICATED COPY OF THE ORIGINAL DOCUMENT FILED WITH THE DAME COUNTY CLERK OF CIRCUIT COURT.

CARLO ESQUEDA CLERK OF CIRCUIT COURT

08CV**3**636

Case No.:

AFFIDAVIT OF NIKKI JOZWOWSKI

STATE OF WISCONSIN ) SS. WASHINGTON COUNTY )

I, NIKKI JOZWOWSKI, being first duly sworn on oath, states as follows:

- 1. For the past 16 years, I have been employed by JT Roofing, Inc. (JTR), whose principal office is located at 350 Tower Drive, Saukville, WI 53080
- 2. Presently, I am responsible for the creation and maintenance of all regular business records of JTR, which record revenues received and costs incurred in the execution of construction contracts in private product markets in Wisconsin, Ohio, Maryland, Pennsylvania, Utah, Missouri, New York, Virginia, Nebraska, and state and municipal public projects in the State of Wisconsin. These regular business records of JTR include all payroll records of roofer and sheet metal workers employed by JTR on construction sites, in private and public product markets. These records identify the worker by name, address and social security number. The records also indicate hours worked daily and weekly by each roofer and sheet metal worker on each project in private and public product markets, the base rate hourly compensation paid to each roofer and sheet metal worker, and premium overtime payments, if any, as well as payments made on behalf of each roofer and sheet metal worker for vacation pay, a health plan, a life insurance plan and payments made for training programs (employee benefits).
- 3. Such records exist with respect to all on-site roofer and sheet metal workers employed by JTR on projects in private and public product markets from the date of this Affidavit looking back to December 10, 2005, the outer-date of the look-back "self-audits" ordered by the Wisconsin Department of Workforce Development (DWD) on April 9, 2008, and May 14, 2008. Such records also exist for three years looking back from the date of this Affidavit.

4. I report directly to Gerald (Jerry) Thull, the President and Chief Executive Officer of JTR.

.

- 5. I supervise 5 administrative clerical people who execute the creation and maintenance of the records described in paragraphs 2 and 3 under my direction and control.
- 6. On-site roofers and sheet metal workers are supervised at the front-line by Crew Management Leaders who are assigned to those positions by President/CEO Thull. These people also perform roofing and sheet metal work working with the tools of the trade. They are hourly paid.
- 7. One of the jobs of a Crew Manager is to call into corporate headquarters at the end of each day's work turn, the number of hours worked by each person on a particular project on that given day. JTR does not use a timecard, timesheet or "pen-and-pencil" time-keeping system.
- 8. An administrative/clerical person, under my direction, enters the raw hourly data from these oral reports into a computer, which utilizes a software system, trade name, ForeFront, to calculate compensation owed during a given payroll period bi-weekly in the case of JTR. The individual roofer/sheet metal worker's hourly basic rate and hourly value of employee benefits has been pre-programmed into the ForeFront system, and the system, through a simple algorithm (hours worked multiplied by base rate and hourly value of employee benefits, and a premium to be paid on base rate, if appropriate), which yields gross weekly pay, with appropriate allocation to the relevant employee benefits. Participation in the health plan and life insurance plan is voluntary. The same software system is programmed for appropriate employment tax and income tax deductions. The ForeFront system then generates a check for net weekly pay, which is paid to the worker according to his prior instructions.

- 9. All of this data is electronically maintained in the ForeFront system, and can be retrieved in spreadsheet format in various combinations "requested" by a person familiar with retrieval protocols, such as myself.
- 10. No free-standing paper payroll records are created or maintained at JTR, including copies of negotiated weekly payroll checks issued to roofers and sheet metal workers.
- 11. The ForeFront software system record keeping system is designed to take account of a workplace culture in construction work in which individual workers, who may work on different projects at many different location, within a given payroll period, do not easily take to the generation of paper and pencil record keeping. Mechanical timecard clock/machines are inappropriate in a business in which the workplace is not a single set location, like a factory or warehouse, or central back-room clerical processing location. The ForeFront software payroll system has been in effect at JTR since January 2004.
- 12. Exhibit 1 to my Affidavit is a <u>Schedule A</u>, which from my own knowledge, I know was a document accompanying a June 24, 2008, letter to the Wisconsin Department of Workforce Development (DWD), proposing a settlement to a dispute between DWD and JTR, arising from directives from DWD to JTR of April 9, 2008, and May 14, 2008, to conduct "self-audits" of all payroll records in period from May 14, 2008 to December 20, 2005. See Exhibits 2 and 3 to my Affidavit.
- 13. Schedule A was a document retrieved from the payroll information embedded in the ForeFront software system in the form requested by the outside litigation counsel for JTR, Attorney David F. Loeffler. The document displays the gross and net pay paid to each roofers and sheet metal worker working on the municipal public project construction at the Craig High School during the period April 19, 2008 May 31, 2008, a segment of the ordered entire self-audit period set forth in the May 14, 2008 order to conduct a self-audit.

- Exhibit 4 to my Affidavit is a document titled Schedule C, which was derived 14. from the payroll data embedded in the ForeFront software system. Schedule C accompanied the Loeffler letter to the DWD of June 24, 2008, proposing a settlement to a dispute with the DWD. These data, on a spreadsheet document, identify the individual by classification; hours worked daily, base pay rate paid (variable by a management assessment of skill and productivity, and actual assigned tasks). Length of experience with JTR is the usual predictor of skill and experience. The "Corrected Pay Rate" is the sum of the determined prevailing base rate, including the determined overtime premium, and determined employee benefits, expressed as an hourly rate. "Back Pay Due" is the difference between the determined prevailing rate and the full-load rate actually paid by JTR to roofers and sheet metal workers (base rate plus employee benefits expressed as an hourly rate), on the Craig Project March 2008 to May 2008, the period of the May 14, 2008 look-back self-audit. The shortfall aggregated to \$20,654.75 gross, \$18,739.17 net. Schedule C was prepared at the instruction of outside litigation counsel David F. Loeffler for use in the negotiation of the settlement of the dispute created by the April 9 and May 14, 2008 DWD orders to conduct "look-back" self-audits, and transmit the results to the DWD.
- 15. Exhibit 5 to my Affidavit, which accompanied Attorney Loeffler's June 24, 2008 letter, is a document, Schedule B, which I prepared and used as worksheet showing the steps of my analysis of what the full-load determined prevailing rate (basic pay plus employee benefits valued at an hourly rate) was for each roofer and sheet metal worker who worked on-site on the Craig project during the relevant self-audit period. "The Fringes to be deducted" entry was the hourly rate of employee benefits actually paid by JTR to those workers who participated in the program, a sum to be deducted from the prevailing hourly rate for benefits, as part of the calculation of the shortfall between JTR payments in fact and the determined full-load prevailing rate (base wage plus employer benefits expressed or valued as an hourly rate). See Schedule C,

Exhibit 4. Schedule B also shows how I calculated the determined overtime premium rate to be paid in base pay yielding a determined hourly rate of \$54.72 on overtime hours worked. Schedule B is a kind of amplification and I hope clarification, of the compensation rates set out in Schedule C. Schedule B was prepared at the request of Attorney Loeffler for use in the negotiation of a settlement of the dispute arising from the April 9, 2008, May 14, 2008 DWD orders to conduct look-back "self-audits," and transmit the results to the DWD.

16. Exhibits 6(a) to 6(e) to my Affidavit are a series of correspondence between DWD and JTR. I was the author of the JTR responses. Exhibit 6(a) is a copy of the Prevailing Wage Complaint of Christopher DeFrancisco of December 10, 2007, amended January 10, 2008, and transmitted to JTR by DWD letter of January 11, 2008. DeFrancisco claimed he was owed \$10,348.60 in straight-time and overtime shortfall on three state and municipal prevailing rate projects. His Complaint was assigned a case number – LS-2007-04575. Exhibit 6(b) is a February 11, 2008 JTR response to DWD letter of January 11, 2008, describing the classification assigned to DeFrancisco while working on These 3 public projects, his hourly base pay rate of \$15.00 per hour, as a new hire sub-journeyman and a schedule of daily hours he worked on these projects and on private projects in the relevant accounting period. The spreadsheet data on his base wage rate and hours worked on each public and private project was retrieved from the electronically created and maintained ForeFront software system. Exhibit 6(c) is a letter of February 15, 2008, DWD to JTR, requesting further payroll information on all workers working on these three public projects, information specific to DeFrancisco; JTR's performance bond on the three projects, and a letter from DWD sent to DeFrancisco requesting his response to JTR's response of February 11, 2008, to the DWD directive of January 11, 2008. Exhibit 6(d) is the JTR response I prepared to the DWD directive of February 15, 2008. The response was a spreadsheet derived from the payroll information, embedded in the electronically created and

maintained ForeFront payroll system, indicating hours worked by DeFrancisco on public and private projects during the relevant accounting period. Reviewing that spreadsheet information, I determined that DeFrancisco was not paid the correct prevailing overtime rate on some hours worked on these projects. The shortfall was \$3,118.07 gross, \$2,424.83 net. I prepared a check and sent the negotiable instrument to DWD. To the best of my knowledge, the shortfall was a function of entry error with respect to the pay rate to be applied to hours worked in excess of 10 on a given day, 40 in a work week, and work on Saturdays, Sunday and enumerated holidays, leading to a software system computational error. Exhibit 6(e) is a copy of the March 7, 2008, DWD letter to DeFrancisco, copy to JTR, asking him whether he agreed with the analysis and calculation leading to the shortfall payment of \$3,118.07 gross, \$2,424.83 net, a 70% discount from DeFrancisco's original demand. Compare Exhibit 6(e) with Exhibit 6(a). On April 9, 2008, JTR received a letter from the DWD, which among other things, accepted the transfer of \$3,118.07 as full satisfaction of DeFrancisco's Complaint of December 10, 2007/January 10, 2008. See second paragraph of DWD letter to JTR of April 9, 2008, Exhibit 7 to my Affidavit. JTR has received no further communication for the DWD with respect to DeFrancisco's work on those three public projects.

- 17. At the request of outside litigation counsel, Attorney David Loeffler, I generated from the ForeFront payroll records regular business records of JTR, Exhibit 8 to my Affidavit, a spreadsheet showing the aggregate payrolls on the three public projects on which DeFrancisco worked, totaling \$281,152.65. The shortfall paid to DeFrancisco is about 1% of that gross payroll.
- 18. During the audit period, July 1, 2008-December 10, 2005, JTR employed, on average, 95 roofers and sheet metal workers per day on all on-site projects, public and private. I obtained this number from a review of all payroll checks issued bi-weekly during this indicated

information in the JTR electronically created and maintained payroll system. DeFrancisco's employment was about 1% of the total JTR workforce during this audit period.

ţ,

- 19. As disclosed by job numbers embedded in the electronically created and maintained regular business record system of JTR, during the accounting period of July 1, 2008 December 10, 2005, JTR performed on-site work on a total of 2,624 construction projects, public and private of which 2,568 were private projects, 56 public projects. 16 of the 2,568 private jobs were on projects located outside the state of Wisconsin in Ohio, Maryland, Pennsylvania, Utah, Missouri, New York, Virginia and Nebraska The ratios of public jobs to total jobs was about 2%. (As disclosed by the job numbers embedded in the electronically created and maintained regular business records system of JTR, a total of 2,333 private construction jobs were undertaken by JTR during the period July 1, 2008 April 1, 2006).
- 20. JTR does not maintain separate paper documents which are copies of negotiated payroll checks in its record keeping system. Embedded in the ForeFront electronic system are data of checks issued, by number, to specific roofer and sheet metal workers, and the date of issuance. The depository banks used by JTR do not maintain the negotiated payroll checks in "hard-copy" form, returned to JTR periodically, accompanying bank statements. Evidence of specific negotiated JTR payroll checks is embedded in the depository banks electronically created and maintained business records system, and "hard-copies" of such negotiated checks can be obtained from the banks on request.
- 21. As of the date of execution of this Affidavit, no record in the possession of JTR indicates that any roofer or sheet metal worker, other than DeFrancisco, has filed a Complaint or claim with the DWD, or any court, alleging nonpayment of any determined prevailing wage including an overtime premium on any public project during the period from execution of this Affidavit to December 10, 2005. Nor has any roofer or sheet metal worker employed by JTR on

any private project claimed any violation of any kind of Wisconsin labor standards or the labor

standards of any other state within three years of this Affidavit, except for DeFrancisco, who

filed a complaint of the violation of overtime provisions on private work, a complaint that was

promptly resolved with a transfer to DeFrancisco in January 2008 of \$180.00 gross, \$165.14 net,

Case No. LS-2007-04576. I prepared all the relevant documents. The shortfall was simply an

oversight error. Exhibits 8(a), 8(b), 8(c) and 8(d).

22. I have estimated that 180 consecutive hours of labor will be entailed in producing

all the payroll records requested for work on 2,624 projects at public and private work sites, July

1, 2008 - December 10, 2005. Since I am the person most familiar with the data embedded in

the ForeFront software system, and most familiar with the process of retrieval of that

electronically created and maintained information from the ForeFront software system, I

assigned a value of \$29.00 per hour to work, a measure of the opportunity cost to JTR of

retrieving the information rather than working on the regular flow of economic information,

given my monthly and annual salary, or \$4,200.00 in direct labor opportunity cost. The market

cost of the paper materials inputs consumed in the production of spreadsheets capturing the

requested information is \$75.00. The opportunity cost of a day of President Thull's time, and my

time spent in preparing for and "explaining" these documents to a DWD investigator, is

estimated to be \$812.00. Therefore, the total direct cost of producing the information as

requested is \$5,087.00.

Vikki Jozyowski)

Subscribed and sworn to before me this /2 day of August, 2008.

Notary Public, ozaukee County, WI

My Commission is/expires: 2/2/

My Commission is/expires: 2/21/2010

126098/2008038-0

## **SCHEDULE A**

EXHIBIT

1

DATE: 06/23/08 TIME: 12:51:06 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

BL6745 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK DATE
BL674 04/19/08 05/03/08 05/17/08 05/31/08 05/03/08	33.00 48.50 78.00 39.50 8.50	396.00 582.00 936.00 474.00 102.00		CURRENT	RES ST: WI 24.25	WORK ST: 30.29 44.52 72.98 36.27 7.79 61.97	8.37 17.94 46.17 11.96	25.45-	519.54 785.15 425.77 94.21	31520 05/02/08 31619 05/16/08 31729 05/30/08 31853 06/13/08 31948 05/16/08 31955 06/13/08
05/31/08 -	67.50 	3,300.00	.00	18.00	34.10	253.82	119.38		2,885.25	31933 00/13/00
TOTAL:	275.00	3,300.00	a is is to to so is is is is in in if	18.00	34.10	253.82	119.38	25.45	2,885.25	

JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT TIME: 12:51:39

FROM CHECK DATE: 04/28/08

EMPLOYEE: BR2218 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

TO CHECK DATE: 06/23/08

EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK DATE
BR221	.8 DOUG	BRANDENBURG		CURRENT	RES ST: WI						
04/19/08	43.00	1,193.25			95.99	78.20	50.88	218.73-	749,45	31524	05/02/08
05/03/08	77.00	2,136.77		208.13	325.76	166.30	128.35	264.80-	1,459.69	31622	05/16/08
05/03/08	1.00	27.76				2.13			25.63	31709	05/16/08
05/17/08	72.50	2,011.89			245.83	140.82	107.57	251.48-	1,266.19	31732	05/30/08
05/17/08	18.00	499.50			24.30	38.21	15.76	19.98-	401.25	31827	05/30/08
05/31/08	55.00	1,526.25		222.00	182.56	120.66	89.66	240.93-	1,114.44	31855	06/13/08
-	266.50	7,395.42	.00	430.13	874.44	546.32	392.22	995.92-	5,016.65		
		世祖是北京和田田市市村市 :		*****	al den sep and and and and any and any and any and	# 12 12 12 13 14 12 13 14 15 15 15 15 15 15 15 15 15 15 15 15 15	9 F 23 23 22 22 22 22 22 22	######################################	: ac car at no se as so to co co		
TOTAL:	266.50				874.44		392.22		5,016.65		
		7,395.42		430.13		546.32		995.92			

TIME: 12:52:09

JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

CA8037 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

TO CHECK DATE: 06/23/08
EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK!	CHECK DATE
CA803 04/19/08 05/03/08 05/17/08 05/31/08 05/17/08	7 LUIS 61.00 52.00 53.50 54.50 4.00	832.00 856.00 872.00		CURRENT 544.00 152.00	RES ST: WI 56.65	WORK ST: 116.28 63.66 65.48 78.34 4.90	90.22 40.13 41.88 54.11		748.64 891.55	31625 31735 31858	05/02/08 05/16/08 05/30/08 06/13/08 06/13/08
-	225.00	3,600.00	.00	696.00	56.65	328.66	226.34	.00	3,684.35		
TOTAL:	225.00	3,600.00		696.00	56.65	328.66	226.34	. 227222222	3,684.35		

TOTAL NUMBER OF EMPLOYEES LISTED:

.

JT ROOFING, INC.

TIME: 12:52:28

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

GA0480 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK DATE
GA048	O DAVID	GARTHWAITE		CURRENT	RES ST: WI	WORK ST:					
04/19/08	32.50	601.25				46.00	23.97		531.28	31537	05/02/08
05/03/08	34.00	629.00				48.12	25.88		555.00	31634	05/16/08
05/17/08	63.00	1,165.50			64.06	89.16	64.59		947.69	31747	05/30/08
05/31/08	52.50	971.25			34.92	74.30	50.45		811.58	31871	06/13/08
_	182.00	3,367.00	.00	.00	98.98	257.58	164.89	.00	2,845.55		
-									100 100 100 100 100 100 100 100 100 100		
TOTAL:	182.00				98.98		164.89		2,845.55		
		3,367,00				257.58					

TOTAL NUMBER OF EMPLOYEES LISTED:

PAGE:

JT ROOFING, INC. DATE: 06/23/08

TIME: 12:54:18

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08 TO CHECK DATE: 06/23/08 EMPLOYEE:

GA6511 FROM PERIOD END DATE:

RESIDENT STATE: ALL

EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK	CHECK DATE
GA651	1 GUSTAVE	PASCOE GARCI	A	CURRENT	RES ST: WI	WORK ST:					
04/19/08	71.00	1,278.00		117.00	27.96	106.71	80.37		1,179.96	31539	05/02/08
05/03/08	55.50	999.00		9.00		77,12	50.18		880.70	31636	05/16/08
<b>0</b> 5/17/08	78.00	1,404.00		108.00	39.66	115.66	89.49	13.20-	1,253.99	31749	05/30/08
<b>0</b> 5/31/08	65.00	1,170.00		9.00	6.36	90.20	63.52		1,018.92	31873	06/13/08
05/03/08	8.50	153.00				11.71			141.29	31949	05/16/08
05/31/08	8.50	153.00				11.70			141.30	31956	06/13/08
•	286.50	5,157.00	.00	243.00	73.98	413.10	283.56	13.20-	4,616.16		
	8位对许是实现的证据 图	****************	. 11 to to at 12 to 15 to 15 to 15	200 SHE TOO SEE HER HER HER SEE SEE	ක් කි. කේ ක්ර ක් ආ ක ක ක ක ක ක ක ක ක ක ක ක ක ක ක ක ක	医乳乳 机铁 化 新 克 克 克 龙 是 是 是		双连 医鼠虫 医鼠虫 医	= = <b>= =</b> = = = = = = = = = = = = = = =		
TOTAL:	286.50				73.98		283.56		4,616.16		
		5,157.00		243.00		413.10		13.20			

DATE: 06/23/08 TIME: 12:57:45 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

GO8073 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES		FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK DATE
GO807 04/19/08 04/19/08 05/03/08 05/17/08 05/31/08 05/17/08	3 RAFAEL 39.00 20.00 52.00 59.50 54.50 4.00	VAZQUEZ GOMEZ 468.00 240.00 624.00 714.00 654.00 48.00		114.00	RES ST:	WI	WORK ST: 35.80 18.36 47.73 54.62 58.76 3.66	14.73 3.77 25.48 31.68 35.60		417.47 217.87 550.79 627.70 673.64 44.34	31609 31639 31752 31876	05/02/08 05/12/08 05/16/08 05/30/08 06/13/08 06/13/08
•	229.00	2,748.00	.00	114.00	``	.00	218.93	111.26	.00	2,531.81		
TOTAL:	229.00	2,748.00		114.00	명급 최도 확산 표준 전기		218.93	111.26	: Berenatate (	2,531.81		

PAGE: 1

JT ROOFING, INC.

DATE: 06/23/08 TIME: 12:57:57

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

GRO610 FROM PERIOD END DATE:

RESIDENT STATE: ALL

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK DATE
GR0610 04/19/08 05/03/08 05/17/08 05/17/08 05/31/08	68.50 62.00 60.00 41.50 60.50	1,746.75 1,581.00 1,530.00 1,058.25 1,542.75	. 00	CURRENT 127.50 63.75 318.75	RES ST: WI 254.54 197.17 248.17 108.55 171.67	WORK ST: 137.33 119.78 135.38 80.97 111.97	109.83 93.92 108.17 56.97 86.49	54.70 79.00- 142.70 79.00-	1,293.55 1,288.58 1,278.03 954.46 1,093.62	31641 31754 31830	05/16/08 05/30/08 05/30/08
TOTAL:	292.50	7,458.75	B 급 보 급 보 원 년 조 급 중 보	510.00	980.10	585.43	455.38	39.60	5,908.24		

JT ROOFING, INC.

TIME: 12:58:23

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

GU1052 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK DATE
GU105. 04/19/08 05/03/08 05/17/08 05/31/08	2 JULIO ( 33.00 26.00 78.00 35.00	GUTIERREZ 396.00 312.00 936.00 420.00		CURRENT	RES ST: WI	WORK ST: 30.29 23.88 72.97 32.13	8.33 4.47 46.10 9.43	25,45-	357.38 283.65 798.70 378.44	31642 05/16/08 31756 05/30/08
05/31/08	14.50	174.00				13.31	27.10		160.69	
-	186.50	2,238.00	.00	18.00	10.78	172.58	68.33	25.45-	1,978.86	
TOTAL:	186.50	2,238.00		18.00	10.78	172.58	68.33	25.45	1,978.86	

TOTAL NUMBER OF EMPLOYEES LISTED:

DATE: 06/23/08 TIME: 12:58:47 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08 TO CHECK DATE: 06/23/08

EMPLOYEE:

GU7611 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES		FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK
GU761	1 FRANCI:	SCO J GUTIERRE	Z	CURRENT	RES ST:	WI	WORK ST:					
05/03/08	19.50	273.00					20.89	5.25		246.86	31643	05/16/08
05/03/08	9.50	133.00					10.17			122.83	31711	05/16/08
05/17/08	57.00	798.00					61.05	37.72		699.23	31757	05/30/08
05/17/08	10.00	140.00					10.71			129.29	31831	05/30/08
05/17/08	5.00	70.00					5.35			64.65	31841	05/30/08
05/31/08	53.50	749.00		105.00			65.34	41.79		746.87	31881	06/13/08
05/03/08	8.50	119.00					9.09			109.91	31950	05/16/08
-	163.00	2,282.00	.00	105.00	. 00	0	182.60	84.76	.00	2,119.64		
					c is is in it is on a fill in in in	mar and and and			*** **** #* ** ** ** ** ** **	t 10 10 11 11 11 11 11 11 11 11 11 11 11		
TOTAL:	163.00	2,282.00		105.00			182.60	84.76		2,119.64		

DATE: 06/23/08 TIME: 12:59:10 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

HE6382 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

TO CHECK DATE: 06/23/08

EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES		FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK#	CHECK DATE
HE638	2 JUVENAL	LOPEZ HERNANI	DEZ	CURRENT	RES ST:	WI	WORK ST:					
04/19/08	24.00	324.00					24.79	7.59		291.62	31546	05/02/08
04/19/08	40.00	540.00		189.00			55.77	32.69		640.54	31610	05/12/08
05/03/08	52.00	702.00					53.70	30.79		617.51	31644	05/16/08
05/17/08	53.50	722.25					55.25	32.20		634.80	31758	05/30/08
05/31/08	54.50	735.75		128.25			66.10	42.52		755.38	31882	06/13/08
05/17/08	10.00	135.00					10.33			124.67	31964	06/13/08
	234.00	3, 159.00	.00	317.25	. 0	00	265.94	145.79	.00	3,064.52		
TOTAL:	234.00		en die der der im der met der en der	14 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	a and and and and and and and and and an	101 2071	## 160 an to 40 an to 25 do 40 .	145.79		3,064.52		
		3,159.00		317.25			265.94					

TOTAL NUMBER OF EMPLOYEES LISTED:

JT ROOFING, INC.

TIME: 12:59:24 EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

KU5165 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

EMPLOYEE STATUS: ALL

TO CHECK DATE: 06/23/08

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD		REGULAR	OVERTIME	OTHER	FIT	FICA	OTHER	OTHER			CHECK
END DATE	HOURS	EARNINGS	EARNINGS	EARNINGS	TAXES	TAXES	TAXES	DEDUCTIONS	NET	CHECK#	DATE
KU516	65 JAMES	KUHLS		CURRENT	RES ST: W	I WORK ST:					
04/19/08	22.00	352.00			25.01	26.92	9.12		290.95	31557	05/02/08
05/03/08	55.50	888.00			103.20	67.94	44.64		672.22	31654	05/16/08
05/17/08	50.00	800.00			90.00	61.20	38.23		610.57	31770	05/30/08
05/17/08	15.00	240.00			13.81	18.36	3.96		203.87	31833	05/30/08
05/31/08	46.50	744.00			81.60	56.90	34.16		571.34	31895	06/13/08
-	189.00	3,024.00	.00	.00	313.62	231.32	130.11	.00	2,348.95		
-							***	100 AU 100 A			
TOTAL:	189.00				313.62		130.11		2,348.95		
		3,024.00				231.32					

TOTAL NUMBER OF EMPLOYEES LISTED:

DATE: 06/23/08 TIME: 12:59:35 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

LO1745 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

EMPLOYEE STATUS: ALL

TO CHECK DATE: 06/23/08

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK DATE
L0174 04/19/08 05/03/08 05/17/08 05/31/08	RAYMONI 40.00 49.00 60.00 43.00	1,110.01 1,359.76 1,665.01 1,193.27		CURRENT 416.25 222.00	RES ST: WI 107.04 115.36 127.85 58.00	WORK ST: 103.68 107.91 114.30 78.20	77.60 81.93 88.42 51.62	171.00- 171.00-	1,066.94 1,105.56 1,163.44 834.45	31562 05/02/08 31660 05/16/08 31776 05/30/08 31901 06/13/08
-	192.00	5,328.05	.00	638.25	408.25	404.09	299.57	684.00-	4,170.39	
TOTAL:	192.00	5,328.05	9 F A S O E O C C C C C C C	638.25	408.25	404.09	299.57	684.00	4,170.39	

TOTAL NUMBER OF EMPLOYEES LISTED:

PAGE: 1

JT ROOFING, INC.

DATE: 06/23/08 TIME: 13:00:52

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

ME5632 FROM PERIOD END DATE:

RESIDENT STATE: ALL

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK# DATE
ME56: 05/03/08 05/17/08 05/31/08	32 MARIO 22.50 49.00 54.50	MERINO 270.00 588.00 654.00		CURRENT	RES ST:	WI WORK ST: 20.65 44.98 50.03	2.57 18.39 23.26		246.78 524.63 580.71	
	126.00	1,512.00	. 00	.00	.00	115.66	44.22	.00	1,352.12	
TOTAL:	126.00	1,512.00			重点性 计多分类 经分类位	115.66	44.22	20. All 10 All (40 SH 100 CO CO CO CO	1,352.12	

TOTAL NUMBER OF EMPLOYEES LISTED:

DATE: 06/23/08 TIME: 13:01:07 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

TO CHECK DATE: 06/23/08

EMPLOYEE:

ME5684 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

1

EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK	CHECK DATE
ME568		O A MENOL		CURRENT	RES ST: WI		0.03		218 02	21.662	05/1/6/00
05/03/08	28.50	370.50			13.40	28.34	9.93				05/16/08
05/03/08	9.50	123.50				9.45			114.05		05/16/08
05/03/08	28.50	370.50			13.40	28.35	9.93		318.82		05/16/08
05/17/08	57.00	741.00			60.96	56.68	33.88		589.48		05/30/08
05/17/08	10.00	130.00				9.94			120.06	31836	05/30/08
05/17/08	5.00	65.00				4.98			60.02	31843	05/30/08
05/31/08	53.50	695.50		97.50	68.76	60.67	37.66		625.91	31904	06/13/08
-	192.00	2,496.00	.00	97.50	156.52	198.41	91.40	.00	2,147.17		
	******	医性性神经 医腹切迹 化苯甲基	医乳球管管肠管结膜炎性		er es	n na ma ma ma ma da na na ma	m m m m m m = m	200 THE REP CHE COST SHEET SHEET COST COST COST COST COST	* 15 10 10 10 11 10 10 10 10 10 10 10		
TOTAL:	192.00				156.52		91.40		2,147.17		
		2,496.00		97.50		198.41			•		

JT ROOFING, INC.

TIME: 13:01:19

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

RE8549 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE:

TO CHECK DATE: 06/23/08
EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK DATE
RE854	9 JOSE R	ELLES		CURRENT	RES ST: WI	WORK ST:				
04/19/08	68.50	1,781.00			136.19	136.25	108.68		1,399.88	31576 05/02/08
05/03/08	78.00	2,028.00			178.12	155.14	124.74		1,570.00	31676 05/16/08
05/17/08	59.50	1,547.00			101.09	118.34	92.31		1,235.26	31792 05/30/08
<b>0</b> 5/31/08	53.50	1,391.00		78.00	89.39	112.38	86.63		1,180.60	31915 06/13/08
	259.50	6,747.00	.00	78.00	504.79	522.11	412.36	.00	5,385.74	
			网络林森 计电话程序 计电话	计计算 医肾 医 经 经 我 我	<b>कर केट कर कर कर कर कर कर कर कर केट</b> के	**********	*******			
TOTAL:	259.50				504.79	•	412.36		5,385.74	
		6,747.00		78.00		522.11				

TOTAL NUMBER OF EMPLOYEES LISTED:

PAGE: 1

DATE: 06/23/08 TIME: 13:01:35

JT ROOFING, INC. EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

RI1744 FROM PERIOD END DATE:

RESIDENT STATE: ALL

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK# DA	ECK ATE
RI174 04/19/08 05/03/08 05/17/08 05/31/08	4 JUAN 64.00 54.00 63.00 54.50 235.50	1,776.00 1,498.52 1,748.26 1,512.39	.00	CURRENT 638.25 263.62 901.87	RES ST: WI 205.31 67.95 105.41 109.57	WORK ST: 184.68 114.64 133.74 135.87	149.89 88.57 106.60 108.40	321.23- 321.23- 334.43-	906.13 1,081.28		16/08 30/08
TOTAL:	235.50	6,535.17		901.87	488.24	568.93	453.46	1,298.12	4,628.29		

PAGE: 1

JT ROOFING, INC.

DATE: 06/23/08 TIME: 13:02:08

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

SA6035 FROM PERIOD END DATE:

RESIDENT STATE: ALL

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK DATE
\$A603 04/19/08 05/03/08 05/17/08 05/31/08 05/03/08 05/31/08	5 RICARDO 40.00 56.00 80.00 68.00 8.50 25.50	0 SALINAS 1,110.01 1,554.01 2,220.01 1,887.01 235.88 707.64		CURRENT 152.63 13.88 457.88	RES ST: WI 81.30 127.08 293.58 174.95	WORK ST: 90.55 113.90 198.81 138.32 18.04 54.14	64.21 88.02 162.06 110.65 1.08 27.34	79.00- 91.25- 79.00-	947.58 1,159.89 1,932.19 1,384.09 216.76 599.63	31683 05/16/08 31799 05/30/08 31922 06/13/08 31951 05/16/08
-	278.00	7,714.56	.00	624.39	703.44	613.76	453.36	328.25-	6,240.14	
TOTAL:	278.00	7,714.56	pai kas pan wa sar san pan wa ma ma san din	624.39	703.44	613.76	453.36	328.25	6,240.14	

DATE: 06/23/08 TIME: 13:02:23 JT ROOFING, INC.

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

SA9520 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD		REGULAR	OVERTIME	OTHER	FIT	FICA	OTHER	OTHER			CHECK
END DATE	HOURS	EARNINGS	EARNINGS	EARNINGS	TAXES	TAXES	TAXES	DEDUCTIONS	NET	CHECK	DATE
SA95:	20 PASCUA	L SANTIAGO		CURRENT	RES ST: WI	WORK ST:					
04/19/08	64.00	768.00		408.00	65.63	89.96	65.36		955.05	31585	05/02/08
05/03/08	52.00	624.00				47.74	25.54		550.72	31685	05/16/08
05/17/08	45.00	607.50				46.48	24.40		536.62	31801	05/30/08
05/31/08	54.50	735.75		128.25	22.36	66.10	42.65		732.89	31924	06/13/08
05/17/08	4.00	54.00				4.12			49.88	31965	06/13/08
•	219.50	2,789.25	.00	536.25	87.99	254.40	157.95	.00	2,825.16		
					•						
			ngọi cầu xuối xuối xuất nặc xuối cặch giữa khác chiế minh.	nes nes nes nes que los mes nes son est	ent and have gut four lock who and sout sout out	na mine alian kala mine kala mine ana mine a	0 W W 23 & W W W 20	111 Cr 121 ST 125 TO 125 ST CR 227 1			
TOTAL:	219.50				87.99		157.95		2,825.16		
·	217.30	2,789.25		536.25		254.40					

JT ROOFING, INC.

TIME: 13:02:41

EMPLOYEE EARNINGS HISTORY SUMMARY REPORT

FROM CHECK DATE: 04/28/08

EMPLOYEE:

TO5364 FROM PERIOD END DATE:

RESIDENT STATE: ALL

PAGE: 1

TO CHECK DATE: 06/23/08 EMPLOYEE STATUS: ALL

TO PERIOD END DATE: 06/23/08

BANK ACCOUNT: ALL

PERIOD END DATE	HOURS	REGULAR EARNINGS	OVERTIME EARNINGS	OTHER EARNINGS	FIT TAXES	FICA TAXES	OTHER TAXES	OTHER DEDUCTIONS	NET	CHECK# DATE
T0536	4 RAFAEL 61.00	TORRES 945.50		CURRENT 527.00	RES ST: WI	WORK ST: 112.64	86.94		1,162.81	31595 05/02/08
05/03/08	52.00	806.00			16.56	61.67 16.25	38.42 2.54		689.35 193.71	31695 05/16/08 31810 05/30/08
05/17/08 05/31/08	12.50 54.50	212.50 926.50		161.50	52.43	83.24	58.95		893.38	
-	180.00	2,890.50	.00	688.50	179.10	273.80	186.85	.00	2,939.25	
<b>e</b>	****		12 65 25 25 25 25 25 25 25 25 25 25 25 25 25	22.20.20.20.20.20.20.20.20.20.20.20.20.2	e 20 00 00 00 00 00 00 00 00 00 00 00 00	经营费证据 医红斑 医红斑	*****			
TOTAL:	180.00	2,890.50		688.50	179.10	273.80	186.85	•	2,939.25	

Jim Doyle Governor

Roberta Gassman Secretary

Jennifer A. Ortiz
Division Administrator



EQUAL RIGHTS DIVISION P.O. Box 8928 Madison, WI 53708

Telephone: (608) 266-6860 Fax: (608) 267-4592 TTY: (608) 264-8752 www,dwd.state.wi.us

## State of Wisconsin Department of Workforce Development

April 9, 2008

CERTIFIED MAIL #70070710000549114055

Gerald T. Thull, Registered Agent J.T. Roofing, Inc. 350 Tower Drive Saukville, WI 53080

RE: ERD Case #L\$200704575

EXHIBIT 12

#### Dear Gerald Thull:

Sections 66.0903(10)(b) and 103.49(5), Wis. Stats. authorize the department to demand and examine copies of payrolls, other records and information relating to the wages paid and hours worked by persons on public works projects subject to Wisconsin's prevailing wage rate laws. Such a request was made of you in regard to UW Washington County Roof Rehabilitation; City of West Bend, County of Washington, WI (PWR Determination #200700653), Mukwonago Area School District 2007 Roof Replacement; Village of Mukwonago, Waukesha County, WI (PWR Determination #200700731) and Senior Center Roof Replacement; City of Manitowoc, County of Manitowoc, WI (PWR Determination #200700343) and you provided the requested information.

This investigation revealed that one of your employees was not paid the correct prevailing wage rate for work performed on these projects. Thank you for your payment to this employee in the total amount of \$3,118.07. Nonetheless, failure to pay prevailing wage at the time the work was performed is a violation of DWD 290.04 of the Wisconsin Administrative code. Contractors who violate Wisconsin's prevailing wage rate laws are required to: 1) conduct a self-audit of past prevailing wage projects and 2) complete and return Weekly Payroll Report forms for work being performed on all current public works projects subject to these laws.

#### 1. Self Audit

Because this violation may affect other projects that your firm worked on, you are instructed to perform a self-audit to ensure that all employees who worked on this and other prevailing wage projects are properly compensated. The self-audit must cover ALL public works projects subject to §66.0903 and §103.49, Wis. Stats., that your firm worked on since December 10, 2005. If your self-audit reveals that any other employees were improperly compensated, you are further instructed to make the necessary payments directly to the affected employee(s); however, you must send me

J. T. Roofing, Inc. LS200704575 Page 2

the results of your self-audit, including documentation of the public works projects on which you worked, which employees worked on each project including their classification and copies of checks & payment stubs reflecting payments that were made. If your audit determines no one else is owed monies, let me know that in writing as well.

The self-audit, including the payment of any unpaid wages, must be completed by April 25, 2008.

Any valid wage and hour complaint that this department receives DURING the self-audit period will be investigated on its own merits. Similar complaints received AFTER the self-audit deadline which prove to be valid, will result in an extensive on-site investigation conducted by a representative of this department. At the conclusion of the on-site investigation, in addition to any unpaid wages, you will be assessed a penalty of up to 50% of the total found due.

#### 2. Submission of Weekly Payroll Reports

Because this violation indicates that you may have some misunderstanding about how to calculate prevailing wage rates, please complete and return a Payroll Report form (or more if necessary) for each week for *all* employees of your firm who are currently working on any public works projects subject to §66.0903 or §103.49, Wis. Stats. Be sure to include the prevailing wage rate determination number where indicated on the form. DO NOT report any Wisconsin Department of Transportation (DOT) projects. Complete a separate form for *each* public works project that any of your employees are working on. The wage and hour information must include all work performed by each employee for the entire week including both public and private. It is very important that you complete both sides of the form. Three Payroll Report forms (ERD-5844) are enclosed. You will need to make additional copies as necessary.

**IMPORTANT**: To determine the accuracy of your payroll information, you must describe the type of work you performed on the public project. If you had any heavy equipment operators on the project you must describe the piece of equipment used by each employee. The back of the Payroll Report form allows for the entry of such information.

If you are not presently working on a public works project subject to §66.0903 or §103.49, Wis. Stats., you must notify me in writing within 10 days of the date of this correspondence. But when you do begin working on a public works project you must begin to send me the Payroll Report forms weekly. You must also indicate that your work on the public project has been completed on the last Payroll Report form that you send me.

You will be notified by the department when you are no longer required to file weekly payroll report forms.

J. T. Roofing, Inc, LS200704575 Page 3

If you need assistance completing these forms or have any other questions about this matter, please call me at (608)266-0028.

Sincerely,

Labor Standards Bureau

Terry Moe, Investigator

Construction Wage Standards Section

Tel: 608-266-0028

Enclosure - 3 Payroll Report forms

Department of Workforce Development Equal Rights Division

P.O. Box 8928

Madison, WI 53708-8928 Telephone: (608) 266-6860

Fax:

TTY:

(608) 267-4592

(608) 264-8752



State of Wisconsin Department of Workforce Development Jim Doyle, Governor Roberta Gassman, Secretary Jennifer A. Ortiz, Division Administrator

May 14, 2008

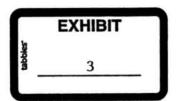
J.T. Roofing, Inc. Gerald T. Thull, Registered Agent 350 Tower Drive Saukville, WI 53080

RE: Craig High School - School District of Janesville

City of Janesville, Rock County, WI

Determination No. 200700719 - Project No. 2786

Case No. LS200801498



Dear Mr. Thull:

The Department of Workforce Development is authorized under §66.0903(10), Wis. Stats. (copy enclosed) to conduct inspections of prevailing wage project sites and to request payroll records from contractors working on those projects. On May 9, 2008, I visited the Craig High School - School District of Janesville project site. I spoke to some of your employees regarding prevailing wage rate requirements in connection with that project and they were willing to answer some questions. As a result, you will need to provide complete payroll records, as noted below.

In order to follow-up on that visit, please respond to each of the following, question-byquestion and provide the requested information by May 30, 2008.

a) Are you a subcontractor or a prime contractor on this job? 1)

b) If you are a subcontractor, what is the name of the business with which you contracted to do this project and what is that business' address?

- c) If you subcontracted any of your work on this project, what is the name of the business to which you subcontracted work and what is that business' address?
- Provide copies of payroll and time records for all of your employees who 2) worked at the Craig High School - School District of Janesville project site for the period April 28th, 2008 through May 23, 2008. The records should include the name of each employee, his or her job classification(s) (the job classification(s) must correspond to the appropriate job classification listed on the enclosed prevailing wage rate determination), copies of timecards for all work performed (both public and private jobs) during the weeks in question for each of these employees, payroll records showing the rate(s) of pay, gross wages earned, deductions, and net wages paid.
- a) If you provide your employees bona fide fringe benefits, identify and 3) specifically describe each benefit and its corresponding hourly rate that

#### J.T. Roofing, Inc. - LS200801498

#### Page 2

adds up to the total hourly fringe benefit rate toward each employee's benefits.

b) If any of your employees receive bona fide fringe benefits through their union rather than through you, indicate the amount that you send to the union on behalf of each employee (in terms of an hourly rate). In addition, provide the name of the union to which you send the money and a contact person (with a telephone number) at that union who would have knowledge of receipts of your payments.

If you do not respond to 3a) or 3b), it will be assumed that your employees receive no fringe benefits either through you or through a union.

4) If any of the employees listed in response to Question 2 is an apprentice, provide a copy of the individual's contract or indenture papers (in addition to the requested payroll information).

Enclosed for your information is a pamphlet entitled "Wisconsin's Prevailing Wage Rate Laws."

It is illegal for an employer to retaliate against an employee for providing information for an investigation or inspection under the prevailing wage laws. That type of retaliation is subject to penalties under the law. §§103.49(5)(b) and 111.322(2m), Wis. Stats.

Thank you in advance for your cooperation. You may call me at 608-266-0028 if you have any questions regarding this matter.

Sincerely,

LABOR STANDARDS BUREAU

Terry Moe, Investigator

Construction Wage Standards Section

Encls:

1) §66.0903, Wis. Stats.

2) Wisconsin's Prevailing Wage Rate Laws

3) Prevailing Wage Rate Determination No. 200700719

## **SCHEDULE C**

EXHIBIT

Signary 4

r ROOFING, INC. OURS WORKED AT CRAIG HIGH SCHOOL

Page 1 of 4

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TOTAL	BACKPAY				١,	1,279.82											-											-						717	4/4.02							
PAY	-	232.92	27.88	245.86	-	322.88		+		1				-																			0010		237.20	210.41	96.15	153.84	163.46	153.84	48.08	40.00
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	EMPLOYEE	5/6/2008 BLANCO, FRANCISCO	5/8/2008 BLANCO FRANCISCO	LANCO, FRANCISCO	BLANCO, FRANCISCO	BLANCO, FRANCISCO		17/2008 BRANDENBURG, DOUG	18/2008 BRANDENBURG, DOUG	19/2008 BRANDENBURG, DOUG	20/2008 BRANDENBURG, DOUG	724/2008 BRANDENBURG, DOUG	756/2008 BRANDENBURG DO	28/2008 BRANDENBURG, DO	31/2008 BRANDENBURG, DOUG	4/2/2008 BRANDENBURG DO	4/3/2008 BRANDENBURG, DOUG	BRANDENBLIRG DOLLG	4/8/2008 BRANDENBURG DOUG	A/9/2008 BRANDENBIRG DOLIG	11/2008 BRANDENBURG DOUG	14/2008 BPANDENBURG DOUG	14/2008 BRANDENBURG, DO	16/2008 BRANDENBIBG DOLLG	10/2008 BRANDENBURG DOLLG	12/2008 BRANDENRING DOLLG	24/2008 BIVAINDENBOLVO, DO	73/2008 BRANDENBLIRG DOLLG	79/2008 BRANDENBURG DC		5/1/2008 BRANDENBURG, DC	5/9/2008 BRANDENBURG, DC		CARABALLO, LUIS	30/2008 CARABALLO, LUIS	GARTHWAITE DAVID		Z6/Z008 GARIHWAIIE, DAVID	4/2/2008 GARTHWAITE, DAVID	4/3/2008 GARTHWALLE, DAVID	4/4/2008 GARTHWAITE, DAVID	4/9/2008 GARTHWAITE, DAVID
	DATE	5/6/2008 B	5/8/2008 B	5/9/2008 BLANCO,	10/2008 B			17/2008 B	18/2008 B	/19/2008 E	/20/2008 E	124/2008 E	126/2008 F	/28/2008 E	/31/2008 E	4/2/2008 F	4/3/2008 F	4/4/2008 F	4/8/2008 F	1/0/2/08 F	/11/2008 F	11/2008	14/2009	146/2008	72/2008	10007/70/	10007/57/	78/2008	129/2008	/30/2008	5/1/2008	5/9/2008		/29/2008	/30/2008	8006/06/	2007/20/	7.56,666	4/2/2008	4/3/2008	4/4/2008	4/9/2008

'ROOFING, INC.

JURS WORKED AT CRAIG HIGH SCHOOL

Page 2 of 4

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TOTAL BACKPAY														\$ 2,777.62						\$ 5/8.23				- 1	\$ 831.07				\$ 544.75			\$ 560.32							ļ	-	\$ 319.20
BACKPAY DUE	153.84	153.84	153.84	153.84	76.92	173.07	173.07	76.92	163.46	67.31	182.69	76.92	173.07	173.07		43.64	174.56	405 47	185.47	174.56		271.34	188.01	118.74	252.98	00 10 1	77.081	185.22	174.32		280.16	280.16	00 23	07.70	67.20	4.20	16.80	21.00	67.20	16.80	58.80
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CORRECTED GROSS	301.84	\$ 301.84	\$ 301.84	- 1	\$ 150.92	- 1	\$ 339.57	\$ 150.92	\$ 320.71	\$ 132.06		- 1	\$ 339.57	\$ 339.57		75.64		007.00	- 1	\$ 302.56				\$ 226.74			- 1	\$ 321.22	\$ 302.32	ı	\$ 406.16	\$ 406.16		- 1	\$ 271.20	- 1	-		"	\$ 67.80	\$ 237.30
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CORRECTED OT RATE	54.72	54.72							54.72	54.72		54.72				\$ 54.72		04.12		\$ 54.72			\$ 54.72		\$ 54.72			\$ 54.72			\$ 54.72	\$ 54.72		١	١	-				\$ 54.	
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CORRECTED PAYRATE	37.73	37.73	37.73					37.73		37.73				37.73		37.82			37	37			37.79		37.79			l	37.79		37.88		l	-						33.90	
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GROSS	148.00	148.00	148.00	148.00	74.00	166.50	166.50	74.00	157.25	64.75	175.75	74.00	166.50	166.50		32 00	128 0	120.00	136.00	128.00		216.00	171.00	108.00	207.00		136.00	136.00	128.0		126.00	126.00		204.00	204.00	12.75	51.00	63.75	204.00	51.0	178.50
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NATE	14/2	15/2008	16/2008	24/2008	25/2008	29/2008	3/1/2(	5/2/2(	5/6/2008	5/7/2008	3/9/2(	10/2008	12/2008	'13/2008		101 101	3112	7/7/5	4/3/2008	4/4/2008		5/6/2008	5/9/2	110/2	112/2		4/2/2	4/3/2	4/4/2		129/2	/30/2008		7///	/18/2	/19/2008	4/2/2008	4/5/2	124/2	5/1/2	5/9/2

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**JURS WORKED AT CRAIG HIGH SCHOOL** 

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TOTAL

BACKPAY

478.78 \$2,013.15 20.87 \$ 2,067.13 BACKPAY 927.80 \$1,279.82 G 6 232.92 245.86 237.26 152.53 152.53 174.32 87.16 226.86 206.89 305.23 87.16 20.87 259.16 226.86 217.90 322.88 264.01 264.01 264.01 108.95 207.01 174.32 207.01 245.86 155.28 214.92 264.01 194.72 146.04 158.21 207.01 232.92 322.88 မှ ₩ ₩ 69 ₩ မာ ₩ 49 ↔ ₩ क क မှာ ₩ 69 69 ₩ ↔ ₩ ↔ ᡋ ₩ H ↔ ↔ မာ 69 B ↔ <del>69</del> ↔ 302.32 264.53 359.01 340.92 359.86 405.76 405.76 405.26 151.16 151.16 201.24 359.86 340.92 359.86 405.76 460.48 227.04 245.96 188.95 264.53 302.32 377.90 CORRECTED CORRECTED CORRECTED 406.16 405.76 321.64 302.72 227.28 359.86 460.88 359.01 359.01 460.88 340.92 GROSS မာ ᡋ €Э G <del>ω</del> မာ क B 69 ᠳ € G ᠪ မာ G H မာ G ↔ G G ↔ H မာ 69 क B မာ ᠌ မာ ક <del>69</del> S 54.72 54.72 54.90 54.72 OT RATE B မာ ₩ ω ↔ ↔ 6 <del>(/)</del> ю S ₩ 69 w क ⇔ 37.79 30.96 .88 88 37.79 37.79 37.79 37.79 37.84 37.84 37.84 37.79 37.79 37.79 37.84 37.84 37.84 37.84 37.84 37.79 PAYRATE 37.88 37.88 37.88 37.84 37.88 37.88 37.88 37.88 37.88 37.88 37. <del>(/)</del> ₩ ၯ S ᡐ ь ᡋ ₩ ₩ ₩ क क क ↔ ₩ ↔ ᡋ ₩ ₩ ↔ 69 ₩ G 168.00 180.38 141.75 64.00 152.00 112.00 81.00 87.75 80.00 152.00 64.00 141.75 128.00 112.00 128.00 152.00 160.00 108.00 114.00 133.00 126.00 133.00 141.75 141.75 114.75 108.00 155.25 108.00 138.00 114.00 72.00 138.00 147.00 GROSS မာမြ ᡐ क 27.75 12.00 16.00 16.00 16.00 12.00 13.50 13.50 13.50 13.50 16.00 16.00 16.00 16.00 16.00 16.00 16.00 16.00 13.50 13.50 13.50 14.00 13.50 16.00 12.00 12.00 14.00 14.00 14.00 13.50 12.00 12.00 12.00 PAYRATE REG 63 မာ ₩ ᠪ H € S 4 બ્ર ↔ € € <del>(/)</del> 69 ઝ Ø 4 क <del>69</del> 4 ઝ ₩ မာ ᡋ HOURS 10.5 10.5 11.5 10.5 10.5 10.5 6.5 9.5 11.5 10.5 8.5 6.5 9.5 9.5 9.5 11.5 9.5 9.5 19 9.5 თ 2 4  $\infty$ ∞ ဖ  $\infty$ 4 ဖ တ တ CLASSIFICATION SHEETMETAL ROOFER 29/2008 GUTIERREZ, FRANCISCO 30/2008 GUTIERREZ, FRANCISCO 3/1/2008 GUTIERREZ, FRANCISCO 5/9/2008 GUTIERREZ, FRANCISCO 22/2008 HERNANDEZ, JUVENAL 23/2008 HERNANDEZ, JUVENAL 29/2008 HERNANDEZ, JUVENAL 30/2008 HERNANDEZ, JUVENAL 19/2008 HERNANDEZ, JUVENAL 20/2008 HERNANDEZ, JUVENAL 1/4/2008|HERNANDEZ, JUVENAL 21/2008 HERNANDEZ, JUVENAL 1/3/2008 HERNANDEZ, JUVENAL EMPLOYEE 29/2008 LOTH, RAYMOND 10/2008 GUTIERREZ, JULIO GUTIERREZ, JULIO 5/8/2008 GUTIERREZ, JULIO 5/9/2008 GUTIERREZ, JULIO 12/2008 GUTIERREZ, JULIO 5/6/2008 MERINO, MARIO MERINO, MARIO 4/3/2008 KUHLS, JAMES 4/4/2008 KUHLS, JAMES '14/2008 KUHLS, JAMES 15/2008 KUHLS, JAMES 16/2008 KUHLS, JAMES 25/2008 KUHLS, JAMES 29/2008 KUHLS, JAMES 5/1/2008 KUHLS, JAMES 20/2008 KUHLS, JAMES 28/2008 KUHLS, JAMES 31/2008 KUHLS, JAMES 1/2/2008 KUHLS, JAMES 5/9/2008 5/6/2008

JURS WORKED AT CRAIG HIGH SCHOOL - ROOFING, INC.

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TOTAL BACKPAY	v		\$ 729.09	42 56	45.30						\$ 597.55				\$ 315.08				\$ 358.12			\$ 560.32										\$ 1,982.40
	269.36	_	236.08		43.30	77.69	104.89	104.89	131.86	86.83	91.40		133.76	133.76	47.56		165.28	54.53	138.31		280.16	280.16	189.55	189.55	1/8.40	178.40	200.70	281.83	133.80	144.95	242.61	242.61
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CORRECTED GROSS			359.58	ן;	147.50	313.57	1		\$ 450.98	\$ 350.46	1	1	\$ 396.26	396	\$ 147.56		\$ 553.78	\$ 318.16	\$ 499.06		\$ 406.16	\$ 406.16			- 1			\$ 460.08	\$ 226.80	\$ 245.70	\$ 405.36	\$ 405.36
CORRECTED CC	-	54.72	54.72 \$		54.72	54 77 8	+-	+-	┼	+	+	+	54.72		54.72		54.72	54.72	54.72		54.72	54.72	54.72	54.72	54.72	54.72	54.72	54.72	54.72	54.72	54.72	54.72
CORR OT		s	<del>ω</del>		9	ч	<b>→</b>	÷ 64	€	÷ 65.	65.	-	G	ક	ક્ક		G	ક્ક	မာ		89	ક્ક	 	69				ક્ક		├	├—	8
CORRECTED	37.85	37.85	37.85		36.89	26.80	20.00	36.89	36.80	36.89	36.89		36.89	36.89	36.89		33.49	33.49	33.49		37.88	37.88	37.80	37.80	37.80	37.80	37.80	37.80	37.80	37.80	37.80	37.80
COR	\$	ક્ક	ક્ક		69	-	+	9 6	+-	-	+	╁	+	G	├-	-	<del> </del>	├—	8	╁	+-	₩	 \$			& <del>*</del>	& C	2	8	5	5	2
GROSS	136.50	117.00	123.50		104.00	00 300	233.00	281.30	240 43	263.63	277.50	20:112	262.50	262.50	100.00		388.50	263.63	360.75		126.00	126.00	131.75	131.75	124.00	124.00	139.50	178.25	93.00	100.75	162.75	162.7
U	€9	S	€ <del>S</del>		43	E	م ا	A G	ə e	A 6	∍  <sub>€</sub>	€	65	₩ ₩	S		<del>(S)</del>	<b>€</b>	69		69	63	s	↔	ક્ર	63	65	ક્ક	မာ	8	8	ક્ક
REG	13.00	13.00	13.00		26.00	21 17	61.12	27.75	07.12	27.75	27.75	21:13	25.00	25.00	25.00		27.75	27.75	27.75		12.00		15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50
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NOITA CIBISSA 10	ROUELE BOOKER	ROOFER	ROOFER		ROOFER		ROOFER	ROOFER	XOOFIER TITLE	KOOFEK	XOOTITY GITTO	אם בסטצ הם בסטצ	83300	ROOFER	ROOFFR		ROOFFR	BOOFER	ROOFER	200	ROOFFIR	ROOFER	ROOFER	ROOFER	ROOFER	ROOFER	ROOFER	ROOFFR	ROOFER	ROOFER	ROOFER	ROOFER
	DAIE EMPLOTEE	29/2006 INTENOL, RICARDO		יייייייייייייייייייייייייייייייייייייי	'26/2008 RELLES, JOSE		4/2/2008 RIANOS, JUAN	'29/2008 RIANOS, JUAN	KIANOS,	5/9/2008 RIANOS, JUAN	/10/2008 RIANOS, JUAN	12/2008 KIANOS, JOAN	1301 7310000 000000	719/2008 RODRIGUEZ, 303E	126/2008 FOURTHEAT TOSE	ZOZOGO INCOLNICOLE, SOSE	FIGURE BICABLO	SIGNOR SALINAS BICABOO	13/3/2008 SALINAS, RICARDO		PASCITA PASCITAL	/23/2008 SANTIAGO, PASCUAL	4/2/2008 TORRES RAFAEL	4/3/2008 TORRES. RAFAEL	4/4/2008 TORRES RAFAEL	4/8/2008 TORRES RAFAEI	4/9/2008 TORRES RAFAEI	121/2008 TORRES RAFAEL	122/2000 TORRES RAFAEL	123/2008 TORRES BAFAEI	129/2000 TORNICO, TON MEE	/30/2008 TORRES, RAFAEL

TOTAL GROSS PAY TOTAL HOURS

1085

\$ 20,654.75

TOTAL BACKPAY DUE TO EMPLOYEES

\$ 18,739.17